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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,593	06/05/2001	Takeshi Suzuki	01340/LH	5464
1933	7590	03/23/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			LAMB, TWYLER MARIE	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/874,593

Applicant(s)

SUZUKI, TAKESHI

Examiner

Twyler M. Lamb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on June 7, 2000. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

### ***Information Disclosure Statement***

2. The information disclosure statement filed 1/23/02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Matama (US 6,683,981).

With regard to claim 1, Matama discloses a printer apparatus (Figure 4) effecting

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printing based on image data captured image (col 7, lines 24-28), the apparatus comprising: imaging condition detection means (condition setting means 48) for detecting an imaging condition of the captured image (col 8, lines 25-41); pre-print process means (manipulating unit 18; monitor 20) for performing a pre-print process for the image data of the captured image accordance with the imaging condition (col 5, lines 29-37) ; and print means (printer 16) for effecting printing based on the image data processed by on pre-print process means (col 3, lines 23-28).

With regard to claim 2, Matama discloses wherein the imaging condition Detection means detects the imaging of information added the image data captured image (col 8, lines 25-41).

5. Claims 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagasaki et al. (Nagasaki) (US 6,317,156).

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With regard to claim 5, Nagasaki discloses a printer apparatus (Figure 1) effecting printing based on image data captured image (col 5, lines 9-17), the apparatus comprising: imaging zoom detection means for detecting condition use of an imaging zoom used captured image (col 5, lines 49-58); print zoom means enlarging an image to

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be printed on a print film (col 5, lines 49-58); and control means (electronic control circuit) for limiting a magnification of the image be printed on the print film, in accordance with the condition of use imaging zoom (col 5, lines 49-58).

With regard to claim 6, Nagasaki discloses an electronic camera (Figure 1) comprising the printer apparatus claim 1 and electronic imaging means, wherein the printer apparatus prints image captured by the electronic imaging means (col 5, lines 9-17).

With regard to claim 7, Nagasaki discloses an electronic camera (Figure 1) comprising the printer apparatus claim 3 and electronic imaging means, wherein the printer apparatus prints image captured by the electronic imaging means (col 5, lines 9-17).

With regard to claim 8, Nagasaki discloses an electronic camera (Figure 1) comprising the printer apparatus claim 5 and electronic imaging means, wherein the printer apparatus prints image captured by the electronic imaging means (col 5, lines 9-17).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matama (US 6,683,981) in view of Yamazaki (US 6,259,825).

With regard to claim 3, Matama discloses a printer apparatus (Figure 4) effecting printing based on image data captured image (col 7, lines 24-28) the apparatus comprising: imaging sensitivity detection means (condition setting means 48) detecting an imaging sensitivity used for captured the captured image (col 8, lines 25-41).

Matama does not clearly teach a noise remove process means for performing a noise removal process for the image data of the captured image prior to the printing; and control means for controlling the noise removal process means in accordance with the imaging sensitivity.

Yamazaki discloses an auto setup process that includes a noise remove process means for performing a noise removal process for the image data of the captured image prior to the printing; and control means for controlling the noise removal process means in accordance with the imaging sensitivity (col 3, lines 53-64; col 4, line 59 – col 5, line 55).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matama to include a noise remove process means for performing a noise removal process for the image data of the captured image prior to the printing; and control means for controlling the noise removal process means in accordance with the imaging sensitivity as taught by Yamazaki. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified

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Matama by the teaching of Yamazaki to produce the desired image as taught by Yamazaki in col 2, lines 35-38; col 3, lines 53-64; col 4, line 59 – col 5, line 55.

With regard to claim 4, does not clearly teach discloses wherein the control means controls noise removal process means such that noise removal performance enhanced as imaging sensitivity increases.

Yamazaki discloses an auto setup process that includes wherein the control means controls noise removal process means such that noise removal performance enhanced as imaging sensitivity increases (col 3, lines 53-64; col 4, line 59 – col 5, line 55).


Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matama to include wherein the control means controls noise removal process means such that noise removal performance enhanced as imaging sensitivity increases as taught by Yamazaki. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matama by the teaching of Yamazaki to produce the desired image as taught by Yamazaki in col 2, lines 35-38; col 3, lines 53-64; col 4, line 59 – col 5, line 55.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler M. Lamb whose telephone number is 703-308-8823. The examiner can normally be reached on M-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Twyler M. Lamb  
Primary Examiner  
Art Unit 2622